

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re: FIRST GUARANTY MORTGAGE CORPORATION, <i>et al.</i> , ¹ <i>Liquidating Debtors.</i>	Chapter 11 Case No. 22-10584 (CTG) (Jointly Administered) Related Documents: D. I. 966, 985.
KARI CRUTCHER, <i>Appellant,</i> v. PACIFIC INVESTMENT MANAGEMENT COMPANY LLC and PIMCO INVESTMENTS LLC, <i>Appellees.</i>	Civil Action No. 23-cv-1025 (CFC) Appeal from the Bankruptcy Court

**APPELLEES' DESIGNATION OF ADDITIONAL ITEMS TO BE
INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Fed. R. Bankr. P. 8009(a)(2), Local Rule 8009-1, and the standing order captioned *In re Designations of Record in Bankruptcy Appeals* (D. Del. Nov. 9, 2015), Appellees Pacific Investment Management Company LLC and PIMCO Investments LLC (the “PIMCO Parties”), by and through undersigned counsel, hereby simultaneously file with the District Court and the Bankruptcy Clerk, and serve upon Appellant Kari Crutcher (“Relator”), this designation of additional items to be included in the record.

¹ The Debtors in the underlying chapter 11 cases, along with the last four digits of each Debtor’s tax identification number in the jurisdiction were: First Guaranty Mortgage Corporation (“FGMC”) (9575); and Maverick II Holdings, LLC (“Maverick”) (5621). The service address for FGMC is 13901 Midway Road, Ste. 102-334, Dallas, Texas 75244.

As an initial matter, Relator was required to file her designation of the items to be included in the record on appeal and her statement of the issues to be presented by October 3, 2023 but did not file or serve her designation and statement until the afternoon of October 4, 2023. *Compare* Fed. R. Bankr. P. 8009(a)(1), *with* D. I. 966 (Sept. 19, 2023); D. I. 985 (Oct. 4, 2023). This requirement is “not onerous” and is “essential to presenting the salient issues and facts to the Court for review.” *In re Miller*, No 18-cv-0249-MR, 2018 WL 6681202, at *1 (W.D.N.C. Dec. 19, 2018).

By the same deadline, Relator was to certify to the Bankruptcy Clerk the availability of any transcripts necessary for the appeal or that she had ordered such transcripts. Fed. R. Bankr. P. 8009(b)(1). Relator’s designation and statement does not address the availability of any transcripts. *See* D. I. 985. However, the PIMCO Parties note that the transcripts Relator designated are already in the possession of the parties.

Although Relator designated D. I. 652 to represent the Plan, the proper final version is the copy attached to and made part of the Confirmation Order, at D. I. 671-1. The Bankruptcy Clerk should therefore strike the designation of D. I. 652 and use D. I. 671-1 in its place.

The PIMCO Parties are additionally designating D. I. 678, which finalizes the terms of the Plan and Confirmation Order left open in the Confirmation Order because they depended on the Effective Date (as defined therein). The Confirmation Order was never appealed and is final, binding, and conclusive.

For the convenience of the District Court and the Bankruptcy Clerk, the full designation follows, and a comparison against Relator’s designation is appended as Exhibit A. The PIMCO Parties respectfully submit that no further materials are necessary to this appeal.

ITEM No.	FILING DATE	ECF DOC. No.	PLEADING / DOCUMENT
1	11/2/22	671	Findings of Fact, Conclusions of Law, and Order (I) Approving Disclosures on a Final Basis and (II) Confirming the Amended Combined Disclosure Statement and Chapter 11 Plan of First Guaranty Mortgage Corporation and Debtor Affiliate (the “ <u>Confirmation Order</u> ”)
2	11/2/22	671-1	Amended, Modified and Restated Combined Disclosure Statement and Chapter 11 Plan of First Guaranty Mortgage Corporation and Debtor Affiliate (the “ <u>Plan</u> ”)
3	11/7/22	678	Notice of (I) Confirmation and Effective Date of the Amended Combined Disclosure Statement and Chapter 11 Plan of First Guaranty Mortgage Corporation and Debtor Affiliate and (II) Deadline Under the Plan and Confirmation Order to File Administrative Claims, Professional Fee Claims, and Rejection Claims
4	7/13/23	881	Transcript regarding Hearing Held 07/11/2023 re: Motion to Compel, Motion for Limited Relief
5	8/3/23	900	Motion of Pacific Investment Management Company LLC and PIMCO Investments LLC to Enforce the Chapter 11 Plan and Confirmation Order
6	8/3/23	900-3	Supplemental Second Amended Complaint and Demand for a Jury Trial (the “ <u>Complaint</u> ”)
7	8/17/23	918	The Liquidating Trustee’s and Post-Effective Date Debtors’ (I) Joinder to Motion of Pacific Investment Management Company LLC and PIMCO Investments LLC to Enforce the Chapter 11 Plan and Confirmation Order and (II) Reservation of Rights
8	8/17/23	919	B2 FIE XI LLC and LVS II SPE XXXIV LLC’s Joinder to Motion of Pacific Investment Management Company LLC and PIMCO Investments LLC to Enforce the Chapter 11 Plan and Confirmation Order
9	8/28/23	930	Objection by Kari Crutcher to Motion by Pacific Management Company LLC and PIMCO Investments LLC to Enforce the Chapter 11 Plan and Confirmation Order
10	9/1/23	941	Reply of the PIMCO Parties in Further Support of Their Motion to Enforce the Chapter 11 Plan and Confirmation Order
11	9/5/23	951	Order Granting Motion of the PIMCO Parties to Enforce the Chapter 11 Plan and Confirmation Order

ITEM NO.	FILING DATE	ECF DOC. No.	PLEADING / DOCUMENT
12	9/7/23	956	Transcript regarding Hearing Held 9/5/2023
13	9/19/23	966	Notice of Appeal

Dated: October 12, 2023

/s/ Robert J. Stearn, Jr.

Robert J. Stearn, Jr. (No. 2915)
Sarah E. Silveira (No. 6580)
Zachary J. Javorsky (No. 7069)
RICHARDS, LAYTON & FINGER P.A.
One Rodney Square
920 N. King Street
Wilmington, DE 19801
Telephone: 302-651-7700
Email: stearn@rlf.com
silveira@rlf.com
javorsky@rlf.com

-and-

SCHULTE ROTH & ZABEL LLP
Peter H. White
Noah N. Gillespie
555 13th Street NW, Suite 6W
Washington, DC 20004
Telephone: 202.729.7476
Email: pete.white@srz.com
noah.gillespie@srz.com

(Admitted *Pro Hac Vice*)

-and-

Kristine Manoukian (No. 5509)
Kelly V. Knight (Admitted *Pro Hac Vice*)
Paulina Piasecki (Admitted *Pro Hac Vice*)
919 Third Avenue
New York, NY 10022
Telephone: 212.756.2466
Email: kristine.manoukian@srz.com
kelly.knight@srz.com
paulina.piasecki@srz.com

*Counsel for Appellees Pacific Investment
Management Company LLC and PIMCO
Investments LLC*

Exhibit A

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2	10/31/22 <u>11/2/22</u>	652 <u>671-1</u>	Amended, Modified and Restated Combined Disclosure Statement and Chapter 11 Plan of First Guaranty Mortgage Corporation and Debtor Affiliate (the " <u>Plan</u> ")
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